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3 **ORDINANCE NO. 2023-278**

4 An ordinance of the City of Gainesville, Florida, annexing approximately 2.296
5 acres of privately-owned property generally located on the northwest corner of
6 the intersection of SW 13th Street and SW Williston Road, as more specifically
7 described in this ordinance, as petitioned for by the property owner(s) pursuant
8 to Chapter 171, Florida Statutes; making certain findings; providing for inclusion
9 of the property in Appendix I of the City Charter; providing for land use plan,
10 zoning, and subdivision regulations, and enforcement of same; providing for
11 persons engaged in any occupation, business, trade, or profession; providing
12 directions to the City Clerk; providing a severability clause; providing a repealing
13 clause; and providing an immediate effective date.

14 **WHEREAS**, the City of Gainesville, Florida (“City”), is a duly-constituted municipality having such
15 power and authority conferred upon it by the Florida Constitution and the Municipal Home
16 Rule Powers Act; and

17 **WHEREAS**, the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, secures for
18 municipalities the broad exercise of home rule powers granted by Article VIII, Section 2 of the
19 Florida Constitution, including the exercise of any power for municipal purposes not expressly
20 prohibited by law; and

21 **WHEREAS**, the Municipal Annexation or Contraction Act, Chapter 171, Florida Statutes, (the
22 “Act”), sets forth criteria and procedures for adjusting the boundaries of municipalities through
23 annexations or contractions of corporate limits; and

24 **WHEREAS**, on April 6, 2023, the City Commission of the City of Gainesville received a petition for
25 voluntary annexation of real property located in the unincorporated area of Alachua County, as
26 more specifically described in this ordinance, and determined pursuant to Section 171.044(2),
27 Florida Statutes, that the petition included the signatures of all owners of property in the area
28 proposed to be annexed; and

29 **WHEREAS**, the subject property meets the criteria for annexation under the Act; and

30 **WHEREAS**, the City has provided all notices required pursuant to the Act, including: 1) notice that
31 has been published in a newspaper of general circulation at least once a week for two consecutive
32 weeks prior to first reading, and which notice gives: a) the ordinance number, b) a brief, general
33 description of the area proposed to be annexed together with a map clearly showing the area, and
34 c) a statement that the ordinance and a complete legal description by metes and bounds of the
35 annexation area can be obtained from the office of the City Clerk; and 2) not fewer than ten
36 calendar days prior to publishing the newspaper notice, the City Commission has provided a copy
37 of the notice, via certified mail, to the Alachua County Board of County Commissioners; and

38 **WHEREAS**, public hearings were held pursuant to the notice described above during which the
39 parties in interest and all others had an opportunity to be and were, in fact, heard.

40 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**
41 **FLORIDA:**

42 **SECTION 1.** The City Commission finds that the property described in Section 2 of this
43 ordinance is reasonably compact and contiguous to the present corporate limits of the City of
44 Gainesville and that no part of the subject property is within the boundary of another municipality
45 or outside of the county in which the City of Gainesville lies. The City Commission finds that
46 annexing the subject property into the corporate limits of the City of Gainesville does not create an
47 enclave of unincorporated property.

48 **SECTION 2.** The following described property is annexed and incorporated within the corporate
49 limits of the City of Gainesville, Florida:

50 See legal description attached hereto as **Exhibit A** and made a part hereof as if set
51 forth in full. The location of the property is shown on **Exhibit B** for visual reference.
52 In the event of conflict or inconsistency, **Exhibit A** shall prevail over **Exhibit B**.
53

54 **SECTION 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Appendix I,
55 Charter Laws of the City of Gainesville, are amended and revised to include the property described
56 in Section 2 of this ordinance.

57 **SECTION 4.** In accordance with Section 171.062, Florida Statutes, the Alachua County land use
58 plan and zoning or subdivision regulations will remain in full force and effect in the property
59 described in Section 2 of this ordinance until the City adopts a comprehensive plan amendment
60 that includes the annexed area. Notwithstanding the foregoing, if the property described in
61 Section 2 of this ordinance is subject to the Alachua County Growth Management Area described
62 in Section 1.5(B) of the Alachua County Home Rule Charter, the Comprehensive Plan and land
63 development regulations of Alachua County shall exclusively govern the development of the
64 subject annexation area. The City of Gainesville shall have jurisdiction to enforce the Alachua
65 County land use plan and zoning or subdivision regulations through the City of Gainesville’s code
66 enforcement and civil citation processes.

67 **SECTION 5.** (a) As of the effective date of this ordinance, all persons who are lawfully engaged
68 in any occupation, business, trade, or profession within the property area described in Section 2 of
69 this ordinance may continue such occupation, business, trade, or profession, but shall obtain a
70 business tax receipt from the City of Gainesville for the term commencing on October 1, 2023.

71 (b) As of the effective date of this ordinance, all persons who possess a valid certificate of
72 competency issued by Alachua County that are lawfully engaged in any construction trade,
73 occupation, or business within the property area described in Section 2 of this ordinance may
74 continue the construction trade, occupation, or business within the subject area and the entire
75 corporate limits of the City of Gainesville, subject to the terms, conditions, and limitations imposed
76 on the certificate by Alachua County, and provided that such persons register the certificate with

77 the Building Inspections Division of the City of Gainesville and the Department of Business and
78 Professional Regulation of the State of Florida, if applicable, on or before 4:00 p.m. of the effective
79 date of this ordinance.

80 **SECTION 6.** The City Clerk is directed to submit a certified copy of this ordinance to the
81 following parties within seven calendar days after the adoption of this ordinance: 1) the Florida
82 Department of State; 2) the Clerk of the Circuit Court of the Eighth Judicial Circuit in and for
83 Alachua County, Florida; and 3) the Chief Administrative Officer of Alachua County.

84 **SECTION 7.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or
85 the application hereof to any person or circumstance is held invalid or unconstitutional, such
86 finding will not affect the other provisions or applications of this ordinance that can be given
87 effect without the invalid or unconstitutional provision or application, and to this end the
88 provisions of this ordinance are declared severable.

89 **SECTION 8.** All other ordinances or parts of ordinances in conflict herewith are to the extent
90 of such conflict hereby repealed.

91 **SECTION 9.** This ordinance will become effective immediately upon adoption.

92 **PASSED AND ADOPTED** this _____ day of _____, 2023.

93
94
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99

HARVEY L. WARD, JR.
MAYOR

100 Attest:

Approved as to form and legality:

101
102
103

KRISTEN BRYANT
INTERIM CITY CLERK

DANIEL M. NEE
CITY ATTORNEY

106

107

108 This ordinance passed on first reading this _____ day of _____, 2023.

109

110 This ordinance passed on second reading this _____ day of _____, 2023.

Exhibit A to Ordinance 2023-278

SKETCH OF DESCRIPTION - NOT A BOUNDARY SURVEY

GENERAL NOTES

THIS DRAWING REPRESENTS A SKETCH OF DESCRIPTION AND DOES NOT REPRESENT A BOUNDARY SURVEY. AS SUCH, PROPERTY CORNER MONUMENTATION WAS NOT SET IN ASSOCIATION WITH THE PREPARATION OF THIS SKETCH OF DESCRIPTION. THE ADJOINING PROPERTY OWNER INFORMATION SHOWN HEREIN REPRESENTS THE CURRENT PROPERTY OWNERSHIPS AS INDICATED BY THE PROPERTY APPRAISER OF ALACHUA COUNTY, FLORIDA.

ALL BEARINGS SHOWN WITHIN THIS SKETCH OF DESCRIPTION ARE REFERENCED TO AN ASSUMED DATUM. THE REFERENCE BEARING FOR THIS SKETCH OF DESCRIPTION IS THE WEST RIGHT OF WAY LINE OF SOUTHWEST 13TH STREET (STATE ROAD 25) WHICH HAS AN ASSUMED BEARING OF SOUTH 07° 56' 30" WEST.

ALL DISTANCE MEASUREMENTS SHOWN HEREIN ARE EXPRESSED IN U.S. SURVEY FEET AND DECIMAL U.S. SURVEY FEET. ALL ANGULAR MEASUREMENTS ARE EXPRESSED IN DEGREES, MINUTES AND SECONDS.

THE LEGAL DESCRIPTION INCLUDED WITH THIS SKETCH OF DESCRIPTION WAS PREPARED BY THE UNDERSIGNED SURVEYOR AND MAPPER.

THIS SKETCH OF DESCRIPTION CONSISTS OF THREE (3) SHEETS AND EACH SHEET IS INCOMPLETE WITHOUT THE OTHERS AND IS ALSO NOT COMPLETE WITHOUT THE LEGAL DESCRIPTION FOUND ON PAGE 2 OF 3 INCLUDED.

CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH OF DESCRIPTION SHOWN HEREIN WAS COMPLETED UNDER MY DIRECT SUPERVISION AND CONTROL AND THAT SAID SKETCH OF DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I ALSO DO HEREBY FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS AND IS IN ACCORDANCE WITH THE CURRENT STANDARDS OF PRACTICE FOR SURVEYS AS CONTAINED IN THE DEFINITIONS, SURVEY, MAP AND REPORT CONTENT REQUIREMENTS AS ESTABLISHED BY CHAPTERS 5J-17.050, 5J-17.051 AND 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE AS SAID CHAPTERS EXISTED AT THE TIME OF THE PREPARATION OF THIS SKETCH OF DESCRIPTION.

SKETCH OF DESCRIPTION PREPARED BY:

WILLIAM R. DEES
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NUMBER LS5493

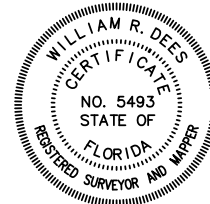
THE USE OF THE IMAGE OF THE SURVEYOR'S SEAL APPEARING BELOW WAS AUTHORIZED BY WILLIAM R. DEES, FLORIDA PROFESSIONAL SURVEYOR AND MAPPER, FLORIDA LICENSE NUMBER LS5493. UNLESS THIS SKETCH OF DESCRIPTION BEARS THE ORIGINAL BLUE INK SIGNATURE OF WILLIAM R. DEES OR A DIGITAL SIGNATURE WITH A VERIFIED SHA-1 AUTHENTICATION CODE THIS SKETCH OF DESCRIPTION IS TO BE USED FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE CONSIDERED VALID.

SKETCH OF DESCRIPTION

TYAGIJI LLC
VOLUNTARY ANNEXATION

NOT A BOUNDARY SURVEY

NOT VALID WITHOUT ORIGINAL BLUE INK SIGNATURE AND SEAL
OF A LICENSED FLORIDA SURVEYOR AND MAPPER.



WILLIAM R. DEES, FLORIDA CERTIFICATION NUMBER LS5493



CITY OF GAINESVILLE
PUBLIC WORKS DEPARTMENT
ENGINEERING SUPPORT SERVICES
405 NW 39TH AVENUE P.O. BOX 490 GAINESVILLE, FL 32627
(352) 334-5070 SURVEY OFFICE (352) 393-8194

SKETCH OF DESCRIPTION
TYAGIJI LLC
VOLUNTARY ANNEXATION

DRAWN BY: W. DEES	DATE: 07/10/23
CHECKED BY: T. HOWARD	PAGE 1 OF 3

Exhibit A to Ordinance 2023-278

SKETCH OF DESCRIPTION - NOT A BOUNDARY SURVEY

DESCRIPTION

PARCEL 1 (OFFICIAL RECORDS BOOK 3637 – PAGE 746)

THE NORTH 120.2 FEET OF LOT 18, AS MEASURED ALONG THE WEST LINE OF LOT 18, LESS THE EAST 53 FEET, BURRITT ESTATES, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK E, PAGE(S) 2, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, LOCATED IN THE NAPIER GRANT AS RECORDED IN DEED BOOK I AT PAGE 591 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

TOGETHER WITH

PARCEL 2 (OFFICIAL RECORDS BOOK 3451 – PAGE 966)

BEGIN AT THE SOUTHWEST CORNER OF LOT 9 OF BURRITT ESTATES AS PER PLAT RECORDED IN PLAT BOOK "E", PAGE 2 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND RUN SOUTHERLY ALONG THE EAST EDGE OF SOUTHWEST 15TH STREET, 453.30 FEET TO A CONCRETE MONUMENT AND POINT OF BEGINNING; THENCE RUN SOUTHERLY ALONG THE EAST RIGHT-OF-WAY OF SOUTHWEST 15TH STREET, 300 FEET TO A CONCRETE MONUMENT; THENCE RUN SOUTH 89 DEG. 27" EAST 271 FEET TO A CONCRETE MONUMENT AT THE WEST EDGE OF RIGHT-OF-WAY OF STATE ROAD 441; THENCE FOLLOW THE WEST RIGHT-OF-WAY OF 441, 306.01 FEET NORTHERLY TO A CONCRETE MONUMENT; THENCE NORTH 89 DEG. 27" WEST 329.06 FEET TO POINT OF BEGINNING. LESS RIGHT-OF-WAY AS DEEDED TO THE STATE OF FLORIDA FOR ROAD PURPOSES, ALL LYING AND BEING IN ALACHUA COUNTY, FLORIDA.

ALTOGETHER BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING AND BEING WITHIN THE LANDS OF THE THOMAS NAPIER GRANT, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, WITH SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 9 OF THE BURRITT ESTATES SUBDIVISION, ACCORDING TO A MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK "E", PAGE 2 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, AND RUN THENCE ALONG THE EAST RIGHT OF WAY LINE OF SOUTHWEST 15TH STREET, SOUTH 03°27'37" WEST, A DISTANCE OF 453.30 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 2320, PAGE 2279 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, WITH SAID CORNER ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE DEPARTING SAID RIGHT OF WAY LINE, NORTH 85°24'04" EAST, ALONG THE SOUTH BOUNDARY OF SAID PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 2320, PAGE 2279 AND THE SOUTH BOUNDARY OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 4909, PAGE 1031 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, A DISTANCE OF 280.58 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF SOUTHWEST 13TH STREET (STATE ROAD 25); THENCE DEPARTING SAID SOUTH BOUNDARY, SOUTH 07°56'30" WEST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 430.38 FEET TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 3555, PAGE 1476 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE, SOUTH 85°24'04" WEST, ALONG THE NORTH BOUNDARY OF SAID PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 3555, PAGE 1476, A DISTANCE OF 195.48 FEET TO A POINT OF INTERSECTION WITH THE AFORESAID EAST RIGHT OF WAY LINE OF SOUTHWEST 15TH STREET; THENCE DEPARTING SAID NORTH BOUNDARY, NORTH 03°27'37" WEST, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 420.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.296 ACRES OF LAND, MORE OR LESS.



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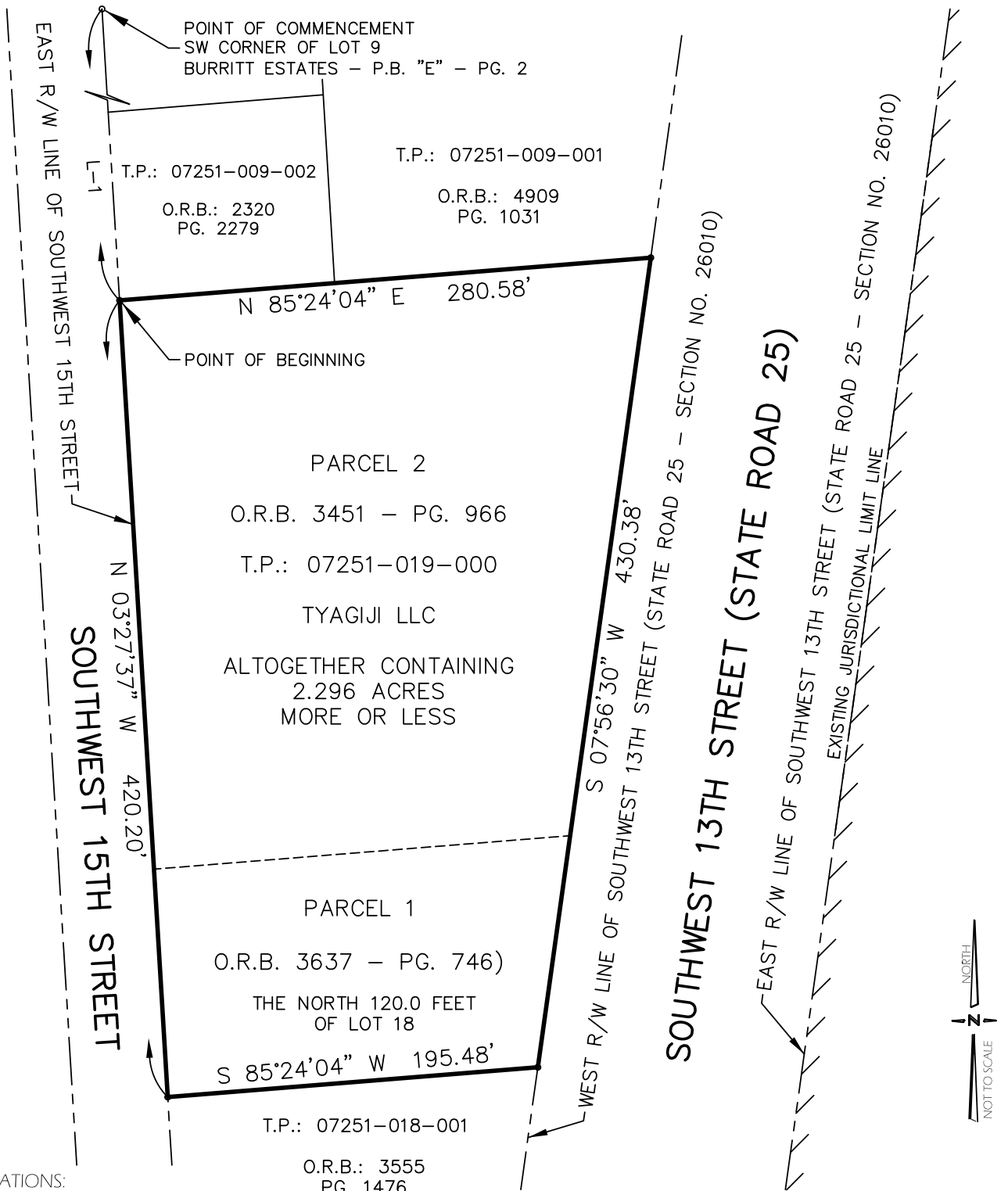
SKETCH OF DESCRIPTION
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DRAWN BY: W. DEES	DATE: 07/10/23
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Exhibit A to Ordinance 2023-278

SKETCH OF DESCRIPTION - NOT A BOUNDARY SURVEY

ALL LYING AND BEING IN THE THOMAS NAPIER GRANT
TOWNSHIP 10 SOUTH - RANGE 20 - EAST



ABBREVIATIONS:
T.P. = TAX PARCEL
O.R.B. = OFFICIAL RECORDS BOOK
R/W = RIGHT-OF-WAY

PG. = PAGE
P.B. = PLAT BOOK



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DRAWN BY: W. DEES	DATE: 07/10/23
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Proposed Annexation - Tyagiji Annexation

Parcel 07251-019-000 | Voluntary Annexation

